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EXTRAORDINARY

Part II—Section 1

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MINISTRY OF LAW

New Delhi, the 5th June, 1958/Jyaistha 15, 1880 (Saka)

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)
ORDINANCE, 1958

No. 2 OF 1958

Promulgated by the President in the Ninth Year of the
Republic of India.

An Ordinance further to amend the Code of Criminal
Procedure, 1898.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1958.

Short title
and com-
mencement.

(2) It shall come into force at once.

Temporary
amendment
of Act 5
of 1898.

2. During the period of operation of this Ordinance, the Code of Criminal Procedure, 1898, shall have effect as if after section 105, the following section had been inserted, namely:—

Special rules
regarding
execution of
certain pro-
cesses issued
by courts in
Jammu and
Kashmir in
the rest of
India and
vice versa.

“105A. (1) Where a court in the territories to which this Code extends (hereinafter in this section referred to as the said territories) desires that—

(a) a summons to any person requiring him to attend and produce a document or other thing, or to produce it, or

(b) a search warrant,

issued by it shall be served or executed at any place within the local limits of the jurisdiction of a court in the State of Jammu and Kashmir, it may send such summons or warrant in duplicate by post or otherwise to the presiding officer of that court to be served or executed.

(2) Where a court in the said territories has received for service or execution—

(a) a summons to any person requiring him to attend and produce a document or other thing, or to produce it, or

(b) a search warrant,

issued by a court in the State of Jammu and Kashmir, it shall cause the same to be served or executed as if it were a summons or warrant received by it from another court in the said territories for service or execution within the local limits of its jurisdiction; and where any such search warrant has been so executed, the things found in the search shall, so far as possible, be dealt with in accordance with the procedure prescribed by section 99.”.

RAJENDRA PRASAD,
President.

G. R. RAJAGOPAUL,
Addl. Secy. to the Govt. of India